

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

JAMES BRENT BROWN,	)	
	)	
Petitioner,	)	
	)	
v.	)	5:16-cv-0680-LSC-JEO
	)	
STATE OF ALABAMA, et al.,	)	
	)	
Respondents.	)	

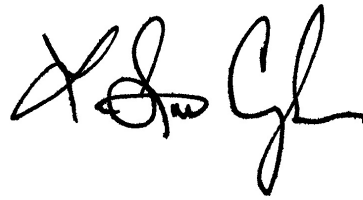
**MEMORANDUM OPINION**

On or about April 27, 2016, James Brent Brown, an Alabama state prisoner acting *pro se*, filed this habeas corpus action pursuant to 28 U.S.C. § 2254. (Doc. 1). On May 19, 2016, the magistrate judge to whom the case was referred for preliminary review entered a report and recommendation (“R&R”). (Doc. 4). Specifically, he recommended that this action be dismissed without prejudice for lack of jurisdiction because Brown’s petition amounts to a successive § 2254 application for which he lacks an authorizing order from the Eleventh Circuit, as required by 28 U.S.C. § 2244(b) and Rule 9 of the Rules Governing § 2254 Habeas Cases. (Doc. 4). Brown has now filed a timely objection to the R&R. (Doc. 5).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s report and recommendation and the petitioner’s objections thereto, the court is of the opinion that the magistrate judge’s findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. While Petitioner has objected

to the R&R, it suffices to say that those objections are frivolous and that the points he attempts to raise are adequately addressed by the R&R. Accordingly, Brown's objections are **OVERRULED**. Brown's petition for a writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction. A separate Final Judgment will be entered.

Done this 16<sup>th</sup> day of June 2016.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is positioned above a horizontal line.

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L. SCOTT COOGLER

UNITED STATES DISTRICT JUDGE

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